

Town of Whitby Public Meeting Report

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Report Title: **DEV-25-22: Zoning By-law Amendment Application (Z-17-22), Inuka Developer Inc., 1 Ferguson Avenue**

Date of meeting: February 13, 2023

Report Number: **PDP 03-23**

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Lauren Taylor, Planner II, ext. 2902

Planning Report PDP 03-23 is presented for information purposes only, in accordance with the statutory public meeting requirements of the Planning Act R.S.O. 1990, c.P.13

Anyone who attends the public meeting may present an oral submission, and/or provide a written submission to the Planning and Development Department on the proposed application(s). Also, any person may make written submissions at any time before Council makes a decision.

Additional information regarding statutory public meetings under the Planning Act can be found on the [Town's website](http://whitby.ca).

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Whitby before the by-law is passed, the person or public body is not entitled to appeal the decision of Whitby Council to the Ontario Land Tribunal (OLT) and may not be added as a party to the hearing of an appeal before the OLT unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

1. Highlights:

- An Application for Zoning By-law Amendment has been submitted by Meredith Consulting Services on behalf of Inuka Developer Inc.
- The proposal is to change the zoning to an appropriate zone category to accommodate a proposed four-storey mixed use condominium development with 60 residential apartment units and 1,408 square metres (15,156 square feet) of commercial space, as well as eight semi-detached dwellings.

2. Purpose:

The Planning and Development Department is in receipt of an application for Zoning By-law Amendment for the subject land. The purpose of this report is to present information related to the application at a statutory public meeting, as required by the Ontario Planning Act

3. Background:

3.1. Site and Area Description

The subject land is located on the north side of Winchester Road West, east of Ferguson Avenue and south of Heber Down Crescent, municipally known as 1 Ferguson Avenue (refer to Attachment #1). The subject land is approximately 0.84 hectares (2.08 acres) in size.

There is an existing one-storey commercial building on the subject land which is to be removed.

Surrounding land uses include:

- single detached dwellings to the west and north,
- townhouse dwellings and three-storey apartment buildings to the east,
- an existing gas station, vet clinic and car wash to the south, as well as a future mixed-use development to the south (refer to Attachment #2).

3.2. Applications and Proposed Development

A Zoning By-law Amendment Application has been submitted by Meredith Consulting Services on behalf of Inuka Developer Inc. to change the zoning to an appropriate zone category to accommodate a proposed four-storey mixed use condominium development with 60 residential apartment units and 1,408 square metres (15,156 square feet) of commercial space fronting onto Winchester Road West, as well as eight semi-detached dwellings fronting onto Heber Down Crescent.

A Site Plan Application has also been submitted. The Site Plan Application will proceed through the Commissioner of Planning and Development once all agency comments have been received and addressed.

Land Division Applications through the Region of Durham Land Division Committee will be required to create the proposed eight semi-detached dwelling lots fronting onto Heber Down Crescent.

3.3. Documents Submitted in Support

A number of documents were submitted in support of the application, including the following:

- A Site Plan prepared by NIA Architects Inc., dated July 20, 2022 (refer to Attachment #3);
- A Rendering – Mixed Use Building prepared by NIA Architects (refer to Attachment #4);
- A Rendering – Semi-Detached Dwellings prepared by NIA Architects (refer to Attachment #5);
- An Arborist Report prepared by D. Andrew White, dated April 1, 2022, provides a summary of trees located on the subject land which are to be removed to accommodate the development. The Report also provides a summary of trees located on the adjacent municipal boulevards, some of which are proposed to be removed to accommodate the proposed development. The Report also provides a summary of trees on the adjacent private property and recommends tree preservation barriers during demolition and construction;
- A Noise Impact Study prepared by J.E. Coulter Associates Limited, dated December 3, 2021, which provides an assessment of traffic noise and recommends central air conditioning and noise warning clauses for the residential apartment units and noise warning clauses for the semi-detached dwellings;
- A Phase One Environmental Site Assessment (ESA) prepared by PGL Environmental Consultants, dated May 2022, which identifies onsite and offsite potentially contaminating activities and notes that a Phase Two ESA is required prior to filing a Record of Site Condition (RSC);
- A Phase Two ESA prepared by PGL Environmental Consultants, dated May 2022, which summarizes the groundwater and soil sample analysis and notes that remediation will be required before an RSC can be submitted;
- A Planning Justification Report prepared by Meredith Consulting Services which concludes that the proposed development is

consistent with and conforms to all applicable Provincial, Regional and Local policies and that the proposed development represents good land use planning and is based on sound urban design principles;

- A Sustainability Rationale Report prepared by Meredith Consulting Services which concludes that the proposed development will achieve a Tier 1 or Tier 2 performance, depending upon the Whitby Green Standard Principle and associated development features;
- A Servicing & Stormwater Management Report prepared by Jain Infrastructure Consultants Ltd., dated March 16, 2022, which provides the recommended stormwater management and servicing measures for the proposed development; and,
- A Traffic Impact Study Report prepared by Traffmobility, dated June 22, 2022, which provides an analysis of existing and future traffic conditions, noting that all intersections are expected to operate with acceptable level of service, with the exception of future eastbound movements at Winchester/Ferguson, which is proposed to be mitigated with increased light cycle length. The Report also notes that the proposed development will meet the parking requirements for the residential and office uses. However, a deficiency of 5 parking spaces for the retail component is expected to be accommodated using shared parking between residential visitors and retail users.

The above documents have been distributed to relevant internal departments and external agencies for review and comment.

4. Discussion:

4.1. Region of Durham Official Plan

The subject land is designated “Regional Centre” on Schedule ‘A’ Map ‘A4’ of the Regional Official Plan (ROP). Regional Centres permit a wide range of land uses including residential and commercial uses.

4.2. Whitby Official Plan

The subject land is designated Mixed-Use 3 and is within the Major Central Area on Schedule ‘K’ – Brooklin Community Secondary Plan (refer to Attachment #6).

The Mixed-Use 3 designation permits integrated mixed-use development and redevelopment which includes residential, office, retail, restaurant, personal service, and community and/or institutional uses (4.6.3.1). The commercial uses outlined in Section 4.5.3.1 – Major Commercial are also permitted within the Downtown Brooklin Major Central Area outside of the Heritage Conservation District (HCD) (11.5.14.3). The minimum permitted

density in the Mixed-Use 3 designation is 60 units per net hectare and the maximum density is 85 units per net hectare (11.5.14.4). The minimum height in the Mixed-Use 3 designation is 2-storeys and the maximum height is 4-storeys (11.5.14.5).

The Downtown Brooklin Major Central Area is to be planned as a vibrant mixed-use core of Brooklin (11.5.4.2). Mixed-use development comprised of ground level commercial uses with residential units located above, is also encouraged to support the vitality of the Downtown Brooklin Major Central Area (11.5.4.6).

4.3. Zoning By-law

The subject land is zoned Special Purpose Commercial – Brooklin Secondary Plan (C2-S-BP) under By-law # 1784 (refer to Attachment #7). The C2-S-BP Zone prohibits residential uses and permits a variety of commercial uses.

An amendment to the Zoning By-law is required to permit the proposed development.

5. Communication and Public Engagement:

Notice of the statutory public meeting was mailed to all property owners within 120 metres of the subject land at least 20 days prior to the meeting date. Furthermore, a public notice sign has been erected on the Winchester Road West and Heber Down Crescent frontages of the subject land in accordance with the Town's notification procedures.

6. Consultation with other Departments/Sources:

The applicable agencies and departments have been circulated the applications and copies of the associated supporting materials for their review and comment.

7. Conclusion:

All comments received at this statutory public meeting, as well as any subsequent written submissions, will be considered by the Planning and Development Department as part of its review and analysis of the development applications. A recommendation report will be brought forward to the Committee of the Whole at such time as input from the commenting agencies, departments and the public have been received and assessed.

All persons who make oral submissions, or have requested notification in writing, will be given written notice of the future meeting of the Committee of the Whole at which the applications will be considered.

8. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Site Plan

Attachment #4: Proponent's Proposed Rendering – Mixed Use Building

Attachment #5: Proponent's Proposed Rendering – Semi-detached Dwellings

Attachment #6: Excerpt from the Town of Whitby Secondary Plan Schedule 'K'

Attachment #7: Excerpt from Zoning By-law # 1784